

(UB)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

FILED

JAN 5 2015

DAVID CREWS, CLERK
BY DM DeputyByron Greene

Plaintiff

CASE NO.

3:15CV3-MPM-DASUnion County, MississippiUnion County JailJohnny BellIndividually And official CapacitiesJimmy Edward

Defendant

PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

Byron Darius Greene

B. Name under which sentenced:

Byron Greene

C. Inmate identification number:

41283

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

Unit 30/D B-ZoneParchman, MS 38738

E. Place of confinement:

M. S. P.

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

Union County, Mississippi

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or post office box number, city, state, ZIP)

ND MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

PAGE 2

Name:

Union County Jail

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or post office box number, city, state, ZIP)

300 Carter AveNew Albany, Ms. 38652

Name:

Johnny Bell

Title (Superintendent, Sheriff, etc.):

Jail Administrator

Defendant's mailing address (street or post office box number, city, state, ZIP)

300 Carter AveNew Albany, ms 38652

Name:

Jimmy Edwards

Title (Superintendent, Sheriff, etc.):

Sheriff

Defendant's mailing address (street or post office box number, city, state, ZIP)

300 Carter AveNew Albany, Ms. 38652

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? ☐ Yes ☒ No
4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

A. Parties to the lawsuit:

Plaintiff(s):

N/A

Defendant(s):

N/A

B. Court:

N/A

C. Docket No.:

N/A

D. Judge's Name:

N/A

E. Date suit filed:

N/A

F. Date decided:

N/A

G. Result (affirmed, reversed, etc.):

5. Is there a prisoner grievance procedure or system in the place of your confinement? ☐ Yes ☒ No
6. If "Yes," did you present to the grievance system the same facts and issues you allege in this complaint? (See question 9, below). ☐ Yes N/A ☐ No
7. If you checked "Yes" in Question 6, answer the following questions:

A. Does the grievance system place a limit on the time within which a grievance must be presented?

☐

Yes

☐

No

N/A

B. If you answered "Yes," did you file or present your grievance within the time limit allowed?

☐

Yes

☐

No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

"NO Grievance Program"

I am no longer housed at the location of the Defendants in this Complaint.

The Defendants refuse to answer any form of Grievance.

The Defendants refuse to mail my Complaint to the ^{Court} and refuse to complete the account information for Informa Pauperis.

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

"No Official Response"

The Defendants has never respond to and written or Verbal grievance.

The Defendants has held or trash Plaintiff's Complaint that was sent by way of Defendant's Mail System.

Special Note: Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

N/A

9. Write below, as briefly as possible, the facts of your case. Describe how each Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

Union County Mississippi is where this ordeal happen. Union County Jail is where I was held. Johnny Bell is the Jail Administrator who is responsible for the condition and the treatment of the jail and offenders.

Jimmy Edwards is the Sheriff who is Johnny Bell Supervision, which also makes Mr. Edwards equally responsible for the conditions of the jail and the treatment of the Plaintiff.

See Complaint attached

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

I would like the court to set date and time for a jury trial to determine a dollar amount for the Defendants to pay for medical, actual and punitive damage to the Plaintiff.

See Complaint

This Complaint was executed at (location):

M.S.P. Parham,

and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date:

11/17/2014

Beyon M.

Plaintiff's Signature

IN THE UNITED STATES FEDERAL COURT
NORTHERN DISTRICT
OF THE STATE OF MISSISSIPPI

COMPLAINT

Jury Trial
DEMANDED

Byron Greene, Pro se

PLAINTIFF

VS

UNION COUNTY, MISSISSIPPI

UNION COUNTY JAIL

DEFENDANT

JOHNNY BELL - Individually and Official Capacities

JIMMY EDWARDS - Individually and Official Capacities

COMES NOW PLAINTIFF BYRON

GREENE IN this HONORABLE COURT

in the above style and cause number to

be determine by the court and bring

forth this CIVIL COMPLAINT

and in support thereof will show
unto the court the following:
Violation of the Plaintiff First, Fourth,
Fifth, Sixth, Seventh, eighth, and
Fourteenth amendments rights.

FACTS

I

That at the present time July 31, 2014
Plaintiff Byron Greene is incarcerated
at Tarrant County Jail Fort Worth,
Texas.

II

That on July 29, 2014 Plaintiff was stop
by Fort Worth Police and arrested for an

Out-of-State warrant from Mississippi
and Plaintiff is awaiting extradition
to Union County Mississippi.

III

That Plaintiff Byron Greene was
arrested and held in El Paso, Texas for
more than two weeks on the same warrant
from Union County, Mississippi less than 60
days prior to being arrested in Fort Worth, Texas.

IV

That the original charge happen in New Albany,
Union County Mississippi on or about July 14 2006,
and Plaintiff gain no profit or money on the
day he was arrested.

IV

That Plaintiff was indicted within 90 days
of being charged with Forgery and
assault on a Police Officer.

VI

That an undetermined amount of money
was taken from Plaintiff Byron Greene at
Union County Jail at the time of his arrest.

VII

That Plaintiff made bond on or about
November 8, 2006.

VIII

That Union County failed to prosecute for more
than five years after Plaintiff was

Charged and indicted.

IX

That Plaintiff had not fled prosecution.

X

That Plaintiff was incarcerated for more than (3) three years in the same state on non-related charge to Union County and parole from prison having no detainer from Union County in late 2010

XI

That on or about April 20, 2011 Byron Greene the Plaintiff was arrested for parole violation on the charge he had not related to Union County and was sent back to prison, then

discharged from prison on two year Post
Release Supervision on or about December 8, 2011.

XII

That upon Plaintiff release from prison
at Alcorn Regional Correctional Facility on or
about December 8, 2011 Plaintiff was arrested
and taken to Union County Jail for the 2006
charge that union county had fail to prosecute.

XIII

That Plaintiff Byron Greene appeared in
Union County Court on or about December 11, 2011
and Plaintiff was sentence to (5) five years
probation while the court knew that Plaintiff
was already on (2) two years post release

Supervision and Plaintiff was not eligible for probation which also made the sentence illegal.

XIV

That the Plaintiff's Attorney, D. A. Kelly Luther and presiding Judge allow Plaintiff to plea guilty knowing that Plaintiff State and Federal Speedy Trial rights were being Violated along with "due Process" Violations.

XV

That Plaintiff was arrested around June 2013 in Columbus, Mississippi and was told that his sentence in Union County had been modified and Plaintiff was Ordered to a Restitution Center in Jackson, Mississippi.

XVI

That Plaintiff Byron Greene was Kicked out the Restitution Center in Jackson sometime in June 2013 and sent to Union County Jail.

XVII

That Plaintiff stay at Union County Jail For approximately (2) two weeks before being sent to Pasagoula Restitution per Order of Union County Court.

XVIII

That upon being arrested and/or taking into Custody at Union County Jail Plaintiff was made to surrender all clothes and shoes except boxers and socks.

XIX

That union county Jail issued Plaintiff
a thin uniform shirt and pants also
shower shoes.

XX

That the temperature is kept very low
(cold) at union county Jail.

XXI

That the Officers at Union County Jail
wear long sleeves shirts Jackets and/or
Sweaters.

XXII

That from early morning hours until 10 o'clock
P.M. Plaintiff had to be in the dayroom

area of the housing unit or pod.

XXIII

That Plaintiff Byron Greene had to either sit or stand on cold concrete or cold steel all day everyday until 10 O'clock P.M. not allow to have anything to cover up with or sit on at Union County Jail.

XXIV

That after about (60) sixty days at Pasagoula Restitution Center Plaintiff was ejected from the program and return to Union County Jail where Plaintiff stayed for approximately another (60) sixty days before being released per order of the Court.

XXV

That after Plaintiff Byron Greene was reinstated to probation per order of the court, Union County Jail held Plaintiff another (5) five days without cause.

XXVI

That Plaintiff Byron Greene has developed leg problem and hemorrhoid problem from standing on cold concrete and/or sitting on cold steel all day everyday for weeks at Union County Jail.

XXVII

That Union County Jail put Preachers in the dayroom of the pod to preach every week.

XXVIII

That Plaintiff was force to listen to Preacher

XXIX

That Union County Jail has shown
discrimination against the black race
offenders particularly the Plaintiff

Byron Greene who is of the black race.

XXX

That Plaintiff was extradited and did
arrive at Union County Jail on or about
August 14, 2014, for probation Violation

XXXI

That under the current probation law a
probation violator can only be held 21 days

for a technical Violation, if not taken
before a Judge the offender must be
reinstated.

XXXXII

That Union County Jail held Plaintiff more
than 21 days on a probation technical Violation

XXXXIII

That while Plaintiff was in Union County
Jail between August 14, 2014 and September 11,
2014 Plaintiff witness two white offenders
be reinstated on probation on or about the
21th day of their incarceration, while three
black offenders were transported to other
counties to go before a Judge.

XXXIV

That Union County Jail use the black offenders at the Jail as cooks and servants.

XXXV

That Plaintiff Byron Greene mailed the original of this Complaint to The U.S. District Court on or about September 7, 2014 from Union County Jail.

XXXVI

That Union County Jail Administrator refuse to fill out the account information form required by the Court for the Plaintiff to proceed in forma pauperis.

XXXVII

That the Defendants Jimmy Edwards and Johnny Bell did act under color of the State of Mississippi.

XXXVIII

That Defendants did deny Plaintiff the same rights to the full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens.

XXXIX

That Defendant created a policy or custom under which unconstitutional practices occurred and allowed the continuance of

Such a policy or custom.

XL

That Defendants Jimmy Edwards and Johnny

Bell was grossly negligent in supervising

subordinates who committed wrongful acts.

XLI

That the defendants acted with reckless

indifference to Plaintiff rights, ill will

and ^(w) malice.

XLII

That Plaintiff Byron Greene legal mail,

that was mailed out at Union County Jail

apparently never reach the court.

WHEREFORE PREMISES CONSIDERD,

The Plaintiff Byron Greene PRAYS

that this Honorable Court set a date

and time to hear this matter with a

Jury and let a Jury determine the dollar

amount that should be paid to the

Plaintiff for Compensatory and Punitive

damages.

Respectfully Submitted

Byron Greene

Byron Greene Pro, se

Plaintiff

Sworn Affidavit

I Byron Greene do swear under penalty of perjury that this statement is true and correct to the best of my knowledge.

My ordeal started with Union County Jail and/or the Defendants on or about July 14, 2006. I was arrested in New Albany, Mississippi Union County. I was charged with Forgery and Assault on a police Officer. At the time of my arrest a undetermine amount of money was taken from my pocket and Union County Jail, my personal property. I assume the money was put toward any fines or restitution until years later when records was shown that no money had been paid. I am not sure of the amount that was taken but I would say somewhere between two to three hundred dollars. I only stayed at Union County Jail for a few days before I was transferred to another County where I also had been charged with Forgery. The only sufficient thing I remember about my first incarceration at Union County Jail other than the taken of my money is the Cell area was very cold.

After I made bond in the other places I had been charged with forgery, I was return to Union County Jail about September 2006. When I arrived in the booking area, I had to Surrender my clothes. I was allow to keep only my boxers and socks. I was given a thin pair of pants and a thin shirt, along with a pair of shower shoes. I was taken to one of the several pods for housing. Every morning I was ordered out of the cell into the dayroom area. No blankets or pillows were allowed in the dayroom. The cell doors were locked, therefore one must either stand or sit on cold steel or concrete until 10 pm. This area of the jail was kept very cold, my hands and legs would turn blue or black from lack of blood flow, and there would be much pain in my legs. I made bond after about a month. The next time I heard something from Union County was about December 8, 2011. At this time the indictment was over 5 years old, Union County had fail to prosecute. I had been to prison, I had made parole, I had Violated my parole, I had been back to prison and finish my sentence. I was now being released on post-release supervision. Now, Union County has a detainer on me. So upon my release I was taken to Union County Jail.

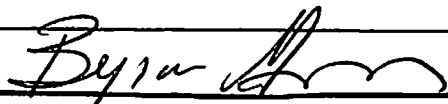
On about December 11, 2011 I appeared in Court in Union County. I was Sentence to (5) Five years probation. Everyone there knew I was on two year post release Supervision, because Union County had just picked me up from prison two days earlier. I was taken back to Union County Jail and released. I was never assigned a probation officer nor had I did any type of TN-Take for probation. The next time I heard from Union County was around June 2013. I was arrested in Columbus Mississippi and told that Union County had modified my Sentence and I had been order to the Restitution Center. I was transfered to Jackson Restitution Center. After a few days I was ejected from the Center and return to Union County Jail. I Stayed in that Cold environment for about two weeks then transfered to Pasagoula Restitution Center. I filed a Habeas in Federal Court and I was Kicked out of Pasagoula Restitution Center. I was Sent back To Union County Jail. I froze there everyday for about two months before I went in front of a Judge. The Judge released me by reinstating my probation. This was about October 2013.

After the Judge pass down this order in open court, Union County Jail held me another (5) Five days without cause claiming they were waiting on my paperwork. The cold environment at Union County Jail has caused me to have ongoing pain in my legs. I have also develop hemorrhoids problem from sitting on cold steel all day to the point when I pass blood at bowel movements. My mental state has been disturb due to the preaching that was screamed at me every week. This preaching was not Consistance with my belief. I Complained that I did not want to hear any preaching but nothing was done.

I was extradited back to Union County from Fort Worth, Texas for probation violation on or about August 14, 2014. A new law had came into effect July 1, 2014 concerning probation violation. The law stated that a offender could only be held for 21 days on a probational technical violation. If the offender/probation violator had not been brought before a Judge within the 21 days, he was to be reinstated to probation status. Therefore, I was housed at Union County Jail pending Probation Revocation Hearing.

During this incarceration period I witness 2 white probation violators become reinstated and released on their 21st day of incarceration. While two black offenders were taken out of the County to go in front of a Judge for their violation. I was held 23 days then rush in front of a Judge to be violated. At the Union County Court House, the Jail administrator approach me and acknowledge that I had exceeded the 21 day law. The probation officers was out of breath from running to the Court house with paper work to push me in front of the Judge for my revocation hearing rather than reinstate me as they had previously done for the white offenders and the law had required.

Sworn this 2 day of December 2014



Byron Greene #41283

#41283

Byron Greene
UNIT 30/D B-ZONE
Parchman, MS 38738

RECEIVED

DEC 04 2014

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

MISSISSIPPI STATE PENITENTIARY
GENERAL ASSISTANCE PROGRAM
P.O. BOX 10
JACKSON, MS 38738

POSTAGE PAID
LEGAL MAIL
MISSISSIPPI STATE PENITENTIARY
JACKSON, MS 38738
CLOSED LETTER HAS NEITHER BEEN OPENED
NOR INSPECTED IF THE WRITER ENCLOSES ANY
MAIL NOT PERTAINING TO LEGAL BUSINESS OR
IF THE WRITER REQUESTS CORRESPONDENCE FOR FORWARDING TO
A DIFFERENT ADDRESS. PLEASE RETURN THE ENCLOSED
MAIL TO THE ABOVE ADDRESS

U.S. DISTRICT COURT

OFFICE OF PRO. SE. CLERK

301 W COMMERCE STREET #13

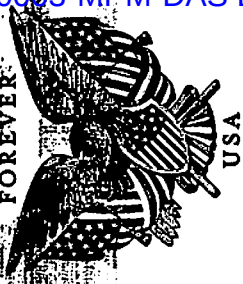
ABERDEEN, MS. 39730

Byron Greene
M.S.P #41283
UNIT 30/D B-ZONE
P.O. BOX 1051
PACCHIANI, MS. 38738

JACKSON MS 39201

21 DEC 2014 PM 11:11

FOREVER



USA

U.S. District Court
OFFICE OF THE CLERK
301 W. Commerce Street # 13

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JAN
DEC 05 2015

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

Abraham Ms. 39730

